

Alabama Board of Physical Therapy

Newsletter

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Consumer

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Member

PT Member PT
Vacant

LEGAL COUNSEL

OLIVIA MARTIN

ASSISTANT ATTORNEY GENERAL

BOARD STAFF

N. K. HORNER

EXECUTIVE DIRECTOR

NK.HORNER@PT.ALABAMA.GOV

SHEILA WRIGHT

ADMINISTRATIVE ASSISTANT III

SHEILA.WRIGHT@PT.ALABAMA.GOV

PHONE: (334)242-4064

(334)242-3603

(888)726-9743

JURISPRUDENCE

CONTINUING EDUCATION REQUIREMENT

The Alabama Board of Physical Therapy is charged with protecting the public through the regulation of the practice of physical therapy. Probably the most crucial way the Board does this is by developing procedures and requirements to ensure the competency of its licensees. This competence encompasses not only clinical abilities and professional conduct, but a working knowledge of the documents that define the legal practice of Physical Therapy in the state of Alabama. To assess this knowledge, several years ago the Board developed a Jurisprudence Exam which must be passed by all individuals seeking initial licensure in the state.

The only system in place for the Board to ensure continued competence of its licensees is the requirement of continuing education to renew an Alabama license. This program of continuing education was initiated by the legislature when the law was changed charging the Board to, "adopt a program of continuing education for its licensees not later than October 1, 1991." Until now, however, this continuing education requirement did not address the need to have continued competence in the area of Alabama physical therapy jurisprudence.

In recent months a change was made to the Administrative Code instituting a requirement for licensees to have some Alabama physical therapy jurisprudence content as part of their continuing education every other year. All continuing education courses must be at least two hours in length, so every other year licensees will need to have at least two of their ten annual required hours of continuing education on the content of Alabama Jurisprudence. PT's will be required to complete a course in even years starting this year (2012, 2014, 2016, etc...); PTAs will be required to complete a course in odd years beginning next year (2013, 2015, 2017, etc...). These two hours of Jurisprudence continuing education are not additional required hours but are part of the ten hours already required.

The Alabama Board of Physical Therapy is sensitive to the concept of over-regulation and does not subscribe to the belief that, "more government is better government". However this rule change addresses a deficiency in meeting the Board's obligation and responsibility to protect the public. Several other states including Texas, Louisiana, North Carolina, Kentucky, and Arizona already have a Jurisprudence continuing education requirement tied to license renewal. Regretfully, we have heard from some licensees that they were unaware of the rule being considered. The process of making this rule change began with its initial publication in the State of Alabama Administrative Monthly as required by law in July 2011.

This publication began a 35 day open comment period. In addition to listing the proposed rule change in this publication, the Board had an article in our August 2011 newsletter which is posted on our website explaining the rule change and communicating how to submit comments. The Board also published announcements under the "Hot Topics" tab on the website after our October 2011 and November 2011 meetings. In addition a representative of Alabama Physical Therapy Association was present at several open Board meetings when this rule change was discussed. Despite all of these methods of communication, the Board looks forward to developing even more effective means to communicate with licensees in the future.

A live course on Alabama Jurisprudence has been approved for the Spring Conference of the Alabama Physical Therapy Association in April and for their Fall Conference in August. The Association will also have an online Jurisprudence course which should be available in mid-March. Their website is www.ptalabama.org. The licensure board anticipates having other providers of continuing education offer courses on Alabama Jurisprudence so that there will be ample time and opportunity for all licensees to obtain their required continuing education. Keep watching our website for a listing of the Alabama Jurisprudence CE Courses that have been pre-approved under HOT TOPICS.

This new Alabama Jurisprudence requirement is not punitive in any manner but rather an attempt to further protect the public by ensuring all licensees have a working knowledge of legal practice in this state. I honestly believe that even if a licensee has been practicing in this state for 10, 20, 30, or even 40 years they can learn and benefit from a periodic study of our Practice Act and Administrative Code. I say this after serving on the licensure board for nearly ten years, having never gone a month without referring to these documents several times to answer questions and deal with various issues. And even after that investment of time, I still frequently gain new insights and develop new understandings of these documents when I refer to them and read them. I invite each licensee to embrace this new continuing education requirement as an opportunity to delve deeper into a subject matter which will serve you and the citizens of Alabama well.

Sincerely,

John Cormier, PT
Secretary, Alabama Board of Physical Therapy



Attention: The postal service does not forward State mail!

LEGISLATION

The Physical Therapy Licensing Board is pursuing changes to the Practice Act this legislative session. It is the Board's belief that the changes being sought are noncontroversial and address revising language that is outdated, that improves the functioning of the Board, and that provides for an impaired practitioner program which is necessary to protect the public. Specifically, the bill will:

- Change throughout the Statute the reference to physical therapists being "registered" to being "licensed".
- Clear up confusing and inconsistent language in the definition of the PT Assistant and PT Technician and defines the PT aide.
- Change reference to the foreign physical therapist from "foreign trained" to "foreign educated".
- Switch responsibility for certain duties from the Secretary of the Board to the Executive Director of the Board.
- Establish an impaired practitioner program, using the same language used for the Alabama Physicians and Alabama Veterinarians.
- Give the Board the ability to put restrictions on a licensee as part of their disciplinary process.
- Allow the Board to set the salary of the Board's Executive Director.
- Allow the Board to collect a fee from providers of continuing education.

The bill(SB226) was introduced in the Senate on February 7, by Senator Jabo Waggoner. It was also introduced in the House (HB164) on February 7, by Representative Jim McClendon. Both Houses referred their bills to their respective Health Committees. The Health Committee of both Houses heard their bill on February 21; both bills passed out of Committee without opposition. It is anticipated that both bills will be heard on the floor of their respective Houses the week of February 27th for their third and final reading. Should the bill pass in both Houses, it would then go the Governor for his signature. The Board members continue to follow the bill closely and are speaking with the sponsors regularly. Licensees are encouraged to support this legislation by understanding the changes being pursued and following the progress of the bill under Hot Topics on the Board's web site, as well as, by contacting your legislators and encouraging them to support it. Please feel free to contact me, as I have been given the responsibility of handling this legislative effort by the Board, or any of the Board members.

Jay Segal, PT
Board Member

AN INTRODUCTION

I am Mary Allen Jolley, the newest member of the Alabama State Board of Physical Therapy. I was appointed in December 2011 and attended my first Board meeting in January 2012. I am a resident of Capstone Village, a retirement community located on the campus of the University of Alabama.

In appointing me as the consumer representative, Governor Bentley reminded me that the Board will be making important decisions that affect citizens of Alabama and the virtues of honesty and integrity are required. I accept the Governor's challenge and will do my utmost to serve honorably and responsibly.

I am the only member of the Board who is not a licensee, but I am fortunate to have been the beneficiary of physical therapy services provided by some excellent practitioners in my home town of Tuscaloosa. There is yet much for me to learn, but I hope to bring to the Board the voice of citizens who have learned to expect competent and professional treatment by Alabama's cadre of physical therapy professionals. I see my role on the Board as that of helping to promote and maintain excellence in the practice of physical therapy, and I look forward to this new opportunity for public service.

Mary Allen Jolley
Consumer Member of the Board



BOARD MEMBER NOMINATIONS for 2012

BOARD NOMINATION PROCESS

Board members are appointed by the Governor for five (5) year terms.

Each year, the term of at least one Board member expires and the Governor makes a new appointment.

This year, the terms of one PT member and one PTA member will end October 6, 2012. In addition, the Board will solicit nominations for a PT member to serve the remaining years in the term of the PT who resigned; that term will end October 6, 2015.

A list of five (5) names must be submitted to the Governor for each position from which he will make one appointment for each position available.

Whenever possible, a congressional district shall not be represented by two physical therapists; nominations for PTs should come from districts 2, 3, 4, 5, and 7. Also, the Board shall provide a method of nominating members to the board so that each congressional district is potentially represented on the board whenever possible.

We are calling for nominations for the PTA Member from the North region of the state first, and then from the South in the event that we don't receive five (5) names.

If at least five (5) nominations are not received for each PT living in districts 2, 3, 4, 5, or 7, a call for nominations will be made for districts 1 or 6.

If more than five nominations are received for each position, a vote will occur to rank the nominees.

REQUIREMENTS FOR BOARD MEMBER NOMINATION

- * Must be a resident and citizen of the State of Alabama
- * Must have practiced Physical Therapy within Alabama for the previous three years
- * Must have no disciplinary action against their license for the three years preceding an appointment
- * Must consent to serve

ALABAMA BOARD OF PHYSICAL THERAPY **DISCIPLINARY INVESTIGATIONS AND ACTIONS**

The Board has a three-tier system of discipline.

The lowest level of sanction involves the placing of a *letter of admonition* in a licensee's permanent file.

The intermediate level of sanction involves the licensee entering into a *guilty plea agreement* with the Board, either prior to or following a formal or informal hearing. A licensee who pleads guilty may be required to pay a fine, or be subjected to a period of license suspension, or both.

The highest level of sanction involves a finding of guilt after a *formal administrative hearing*. This level of sanction includes a fine and/or license suspension, and may include license revocation.

Disciplinary actions are matters of public record.

Disciplinary actions are published in the Board's semi-annual newsletter and reported to the Healthcare Integrity Protection Data Bank (HIPDB).

With a letter of admonition, only the nature of the disciplinary action is published.

In keeping with this policy, the following is a list of the Board's disciplinary actions since the last newsletter:

Allegation: Unbecoming Conduct
Disposition: Suspension & Fine; Boundaries Course
Case # **Name**
10-05-19 Earl T. Paige, PT

Allegation: Falsification of Visits / Charges
Disposition: Suspension & fine
Case # **Name**
10-06-22 Kristie S. Huffstutler, PTA

Allegation: Drug Induced Physical/Mental Impairment
Disposition: Fine & Cost; Suspension
Case # **Name**
10-10-27 Raymond A. Burk, PTA

Allegation: Falsified Records
Disposition: Suspension; fine
Case # **Name**
11-04-06 Tina Rector, PTA

Allegation: Falsified Records
Disposition: Fine & Cost
Case # **Name**
11-09-29 Jamie L. Lawrimore, PT

Allegation: Treated w/Expired License
Disposition: Fine
Case # **Name**
12-01-02 Lori Paige O'Quinn, PTA

Allegation: Treated w/Expired License
Disposition: Fine
Case # **Name**
12-01-04 Toni M. Browning, PTA

Allegation: Treated w/Expired License
Disposition: Fine
Case # **Name**
12-01-05 Stephen Guthrie, PT

Allegation: Falsified Record
Disposition: Fine
Case # **Name**
 11-04-08 Elizabeth L. Williams, PT

Allegation: Falsified Records
Disposition: Fine & Cost
Case # **Name**
 11-07-12 Brantley Bishop, PTA

Allegation: Treated w/Expired License
Disposition: Fine
Case # **Name**
 12-01-08 Dara S. Lowery, PT

Allegation: Treated w/Expired License
Disposition: Fine
Case # **Name**
 12-01-09 Lanie M. Boyle, PT

Allegation: Treated w/Expired License
Disposition: Fine
Case # **Name**
 12-01-11 Jennifer Rogers Houseknecht

Allegation: Treated w/Expired License
Disposition: Fine
Case # **Name**
 12/01/06 Michael Lee Wood, PTA

Allegation: Treated w/Expired License
Disposition: Fine
Case # **Name**
 12-01-07 Jerri Stephens, PTA

Allegation: Treated w/Expired License
Disposition: Fine
Case # **Name**
 12-01-12 Meriam Janice Herstik, PT

Allegation: Treated w/Expired License
Disposition: Fine
Case # **Name**
 12-04-14 James K. Richardson, PT

NON-RENEWED PHYSICAL THERAPIST

CARA C ADAMS	330 SHADES CREST RD, BIRMINGHAM AL
KRISTIN ERIN ADAMS	1015 EAST MAIN ST, FULTON MS
JOHN DOUGLAS AKERS	250250 10TH ST 2421, ATLANTA AL
ZLATKO ALIMPIC	240 SCARLETT RD # 311MGN4X4, TORONTO CANADA
LYDIA ELIZABETH ALLEN	20815 ROSSLARE CT, LEXINGTON PARK MD
LIVIDA NOELLA AUDAIN	101 SHEA COURT, SIMPSONVILLE SC
JOHN C BADENHOP	8945 ALDERWOOD WAY, MONTGOMERY AL
TRAVIS DAVID BARKER	9718 N MORTON COURT, SPOKANE WA
WENDI BELISLE	265 MOUNTAIN RD, TITUS AL
RAYMOND BELISLE	265 MOUNTAIN RD, TITUS AL
ANNE E BENETTI	2916 CAMEO WAY, NORTHPORT AL
NICOLE R BERGER	7335 S PITTSBURG MOUNTAIN RD, S PITTSBURG TN
STEPHANIE LAUREN BERL	2640 BERKSHIRE ROAD, AUGUSTA GA
JORDAN ELIZABETH BETTES	111 WOODMERE DR, ENTERPRISE AL
ANNE LEIGH BODENSTINE	711 OAKS DR, BIRMINGHAM AL
LISA FERGUSON BOLIN	6609 E GHOST FLOWER DRIVE, TUCSON AZ
KIM BRIGHT-FEY	3313 WINCHESTER RD, HOOVER AL
REBECCA CHRISTINE BROWN	2603 BEACON ST, PHENIX CITY AL
KEVIN T BROWN	248 RIPPLE CREEK DR SW, MARIETTA GA
KENT L BUCHANAN	PO BOX 397, WHITESBURG GA
HERBERT R CAILLOUET	2816 DOWNING CIR, BIRMINGHAM AL
VIRGINETTA S CANNON	136 ASH DR, MONTGOMERY AL
CHAD CASWELL	163 PINECREST LANE, FAIRHOPE AL
DENISE M CHAPMAN	412 HILLABEE DR, MONTGOMERY AL
SHAVON ADELE CONERLY	438 EASTERBROOK ST., BAY ST. LOUIS MS
JENNIFER DAVENPORT	5005 ARTISTIC CIRCLE, COLORADO SPRINGS CO
EUNICE R DOBBS	302 BEAR CREEK RD NE, FT PAYNE AL
LONNIE BLAKE DORCEY	5789 CARRINGTON LAKE PKWY, TRUSSVILLE AL
TYREA S DULANEY	105 HUNTERS OAK PLACE, BRANDON MS
KAREN ELIZABETH ELBERT	2538 225TH ST, STANTON IA
JONATHAN M ELBERT	2538 225TH ST, STANTON IA
DARCI LYNN ELSON	109 PINERIDGE DRIVE, ENTERPRISE AL
ADAM CHRISTOPHER ENDRESS	345 W. LONGLEAF DR. APT. 206, AUBURN AL
JESSICA ADELE FINCH	2379 SOPHIE PLACE, MIDDLEBURG FL
CHRISTINA MARIE GARCIA-CARRERAS	1004 OLD SHELL RD, MOBILE AL
JOHN H GASSLER III	2935 TOWER DRIVE, MURFREESBORO TN
SUSAN E GOODE	434 KELLY LYNN DRIVE, ANNISTON AL

TODD WILLIAM GRANGER	176 WATERFORD LAKE DR, CALERA AL
JENNIFER WONG GRANGER	176 WATERFORD LAKE DR, CALERA AL
CHARLES P GRAY	6116 PALOMINO DR N, MOBILE AL
SARAH CHANDLER GRAY	3107 ENCLAVE LN, FULTONDALE AL
TODD R HOOKS	3203 32ND AVE, NORTHPORT AL
DENNIS CRAIG HUGHES	182 REGAL ST, WINFIELD AL
JOSHUA CADE HUTTO	110 KANE RD, HEADLAND AL
ELIZABETH JAECKLE	2710 SUMMERWIND DR SE, DECATUR AL
SARAH CHRISTINA JANCY	919 GLENMILL DRIVE, MANCHESTER MO
LINDSAY NORA JONKMAN	23 MAGNOLIA COURT, ONTARIO CANADA
RICHARD M KELLUM	208 HOLLYWOOD BVLD, BIRMINGHAM AL
EMILY SUZANNE KERBER	520 MAIN ST, GARDENDALE AL
GINGER C KURMANN	3400 PASTURE LANE, VIRGINIA BEACH VA
JOY S LANDIS	9412 MAYSVILLE RD, FT WAYNE IN
J M'LYN LAZZARINI	405 NOTTING HAM, IRVING TX
RHONDA M LEDBETTER	2206 E LOMBARD STREET, BALTIMORE MD
M. REBECCA LEIBOLD	451 S CLARKSON ST, DENVER CO
LORI ANN LEINEKE	409 BOYD BRANCH DR, UPATOI GA
ADA SUE LOFTIS	3544 CARTER HILL RD, MONTGOMERY AL
KIMBERLY O MARSH	13566 REJENAL FOREST RD, NORTHPORT AL
MELISSA ANN MAYFIELD-FOWLER	3302 KAREN COURT, PHENIX CITY AL
ALAN RICHARD MCAVOY	8423 SW POINTER WAY APT B, PORTLAND OR
LINDSAY M MCCORMICK	2845 ZELDA ROAD APT C13 BOX 30, MONTGOMERY AL
CARLA FISHER MCINTYRE	7878 PINE RUN, DAPHNE AL
TERRY A MEHARRY	7061 KEENES MILL RD., COTTONDALE AL
THOMAS A MILLER	304 WEDGEWOOD LANE, CRESTVIEW FL
LINDSEY FROST MITCHELL	1148 N SHADESVIEW TERRACE, BIRMINGHAM AL
CARMEN E MONTGOMERY	PO BOX 8, MINOR HILL TN
STEVEN P MOORE	2002 ROBINSON RD, STARKVILLE MS
ELLEN P MURRAY	4126 HEATHERHEDGE LN, BIRMINGHAM AL
MICHELLE CABATOTAN PAREL	100 MCQUEEN SMITH RD S, PRATTVILLE AL
SHANNON PARKER	5805 MAGELLAN WAY #103, RALEIGH NC
SARA ELLEN PHELPS	4121 CHURCHILL DR, BIRMINGHAM AL
WALT PORTER	724 PLAYERS COURT, WOODSTOCK GA
SIMONE PRZEWALLA	6575 N PLYMOUTH DR, LANTANA FL
MARK ROBERTSON	1320 EASTMOOR DR, MCPHERSON KS
RONSON M ROYER	1570 RIDGEFIELD DRIVE, ROSWELL GA
LEE ANN RUFFIN	2331 FREESTONE RIDGE COVE, HOOVER AL
JILL M RUNNELLS	3516 SHARON LANE, HUEYTOWN AL

LEILANI SARILE-AVELLANEDA	7320 36TH ST W APT 5, UNIVERSITY PLACE WA
SIDNEY SCARBOROUGH	30595 MIDDLE CREEK CIR, SPANISH FORT AL
TAMMY L SHIPP	5092 BIRDSONG ST, NORTH PORT FL
BABETTE S SMITH	2083 PLANTATION CREEK RD, FORTSON GA
JACKIE L SMITH	1250 LAKE DR, FULTON MS
STEPHEN SYLVESTER	104 JEFF MEADOW TRAIL, HARVEST AL
WILLIAM R THOMAS	1192 WINDROSE CIR, MADISON MS
GENE A WALKER	1907 WAYNE CIRCLE, SOUTH PITTSBURG TN
SHANNA WILKINS	490 SHAVERS DR, CENTRAL CITY KY
MELANIE LOUISE WILLIAMSON	2317 LAUREL DR, COLUMBUS GA
LAUREN M WILSON	9700 SHADOW VALLEY CIRCLE, CHATTANOOGA TN
ADRIAN J YENCHAK	4620 COTSWOLD LANE, BIRMINGHAM AL

NON-RENEWED PHYSICAL THERAPISTS ASSISTANTS

CHAD BAGWELL	3432 PALESTINE RD, PONTOTOC MS
COLLEEN J BIDWELL	7 GREENBRIER LANE, FAIRHOPE AL
TERESA ANN BOATWRIGHT	524 MARSHEUTZ AVE SW, HUNTSVILLE AL
CINDI M BOSWELL	83 MOUNTAIN RIDGE RD, MILLBROOK AL
FELICIA DANE'E BOWDEN	10240 LYNWOOD DR, MERIDIAN MS
MYRA F BROWN	513 POINCIANA DR, BIRMINGHAM AL
MISTY MARIE BROWNING	1516 OAK LEA RD SW, DECATUR AL
DEBRA JO CLAYBAUGH	6733 WEST 210 NORTH, ANDERSON IN
DEANNA CARNLEY COBB	PO BOX 651, HELENA AL
DONNA C COLE	1255 AYCOCK CEM RD, LEIGHTON AL
DAVID DOUGLAS CONNER II	1953 EAST HUDSON BLVD APT G, GASTONIA NC
WANDA GAYLE ELLISON-HAMILTON	717 COUNTY RD 189, JEMISON AL
MARIBELLE C EVANS	33148 PORTABELLO RD, BIRMINGHAM AL
KRISTIN EVANS	2306 INVERNESS CLIFFS, BIRMINGHAM AL
JACQUELINE JEAN FAGAN	106 WEST RAY DR, HATTIESBURG MS
SHARON DIANNE FOSTER	1148 CAMPBELL ROAD, GOODLETTSVILLE TN
GELSEY DAWN FREEMAN	3141 RANGER RD, BIRMINGHAM AL
AUDREA DAWN HARIGEL	RT 6 BOX 384, SELMA AL
TIFFANY HENRY	426 PATLYNN DR, FAIRHOPE AL
CATHY E HOBBS	2808 MAYFLOWER DR, MOBILE AL
JAMES NICHOLAS HOLCOMB	1815 HAMILTON AVE SO, PITTSBURG TN
STACY W HOLDER	390 WHEELER ST, ROGERSVILLE AL
YOLANDA TRENETT JACKSON	8400 VETERANS PKWY #1214, COLUMBUS GA

KEISHA R JENKINS	606 CHARLESTON ST, MOBILE AL
REBECCA T JOHNSON	2405 SUGAR FLAT ROAD, LEBANON TN
ANDREA L JOHNSON	934 GARY ALAN TRACE, MOODY AL
LACI L KEIHN	301 RIMSON ROAD, DOTHAN AL
TIMOTHY J LANDIS	9412 MAYSVILLE RD, FORT WAYNE IN
AMY K LARSEN	545 REACH DR, BIRMINGHAM AL
LISA TAYLOR LEE	920 COUNTY ROAD 388, PISGAH AL
TRACY WALTER LEWIS	2810 STOCK CREEK LANE, RICHMOND TX
WESLEY MORGAN LILES	2552A SOUTH FLORIDA ST, MOBILE AL
IN JUNG LIM	6307 WOODMERE BLVD, MONTGOMERY AL
LORI W MCCORD	1221 PRIMROSE PL, ANNISTON AL
ALICIA N MCKENZIE	8493 CHARLEY BOOTHE RD, FAIRHOPE AL
JILLIAN MALLISSA MIDDLEBROOKS	1018 OAK STREET, BIRMINGHAM AL
PATRICIA ANN MILES	1266 BRAEMER COURT, BIRMINGHAM AL
SUSAN D MILLER	21300 COTTON CREEK DR B 203, GULF SHORES AL
KIMBERLY MILLER	50 COUNTY RD 747, ENTERPRISE AL
DANIEL W MITCHELL	4606 BAYWOODS DRIVE, PENSACOLA FL
SHARON P MOORE	7935 WYNWOOD ROAD, TRUSSVILLE AL
LORRIE B NICHOLS	475 ALLEN LOOP, TUSCUMBIA AL
MICHELLE G NORRIS	1852 INDIAN HILL RD, VESTAVIA HILLS AL
DEBBRA K OKRZESIK	3877 VICTORIA DR, THEODORE AL
HOLLY OWENS	249 TRAWICK RD, DOTHAN AL
JUANITA OWENS	153 S BROAD ST, MOBILE AL
RUTH HUBBARD PABIAN	1027 LAKE HEATHER RESERVE, BIRMINGHAM AL
TERESA KILLEN PATTERSON	67 CO RD 142, FLORENCE AL
DEBRA A PATTON	1106 CAMELOT CIR, BIRMINGHAM AL
ANDRE PENE	2312 WALBASH DRIVE, MONTGOMERY AL
ALICIA RILEY RABREN	PO BOX 93, ANDALUSIA AL
AUDREY J RAY	PO BOX 482, MAPLESVILLE AL
JOSHUA CLAY REESE	P O BOX 477, ROBELINE LA
GLORIA P RHODES	704 SHERBROOKE CT, NASHVILLE TN
VANESSA RICHERSON	P O BOX 2221, FOLEY AL
JOSHUA RYAN ROBINSON	P O BOX 252, MERIDIAN MS
AMBER L RUTHERFORD	110 LYNN LANE 12 D, STARKVILLE MS
JENNIFER B SLYMAN	38765 NORTH BAY DR, WILLOUGHBY OH
JANICE A SPEARS	1840 W EMELITA AVE #1144, MESA AZ
ALICE M SPINKS	51 JOYNER LN, BREWTON AL
JENNIFER LYNN STACEY	1248 FAREHARM DR, NEW ALBANY OH
D'AUNDRA T STOKES	3005 MOORCROFT DR APT C, MONTGOMERY AL

BRIAN JOHN THERRIEN

BARBARA KAY TOW

SCOTT PATRICK TOWNE

THERESA A TULLIS

DAVID L VINES

DARYL S VOCE

CAROLE D WARD

JANICE WILKERSON

RACHEL LAUREN WILLIAMS

KATIE M WILLIAMS

SHEILA HOWARD WILLIAMS

KAMEE DEE WILSON

CONNIE D WINKLES

SONYA LEE WISDOM

393 HICKORY HILLS RD, RAINBOW CITY AL

5308 MARION AVE, EAST RIDGE TN

1706 VICKLAN STREET, VICKSBURG MS

P O BOX 550014, BIRMINGHAM AL

1589 DELMAR DR, PRATTVILLE AL

323 PANORAMIC CIR, WARRIOR AL

3109 WATERVIEW DR, MILTON FL

60020 HODGES, AMORY MS

7310 STANDIFER GAP ROAD APT 1613, CHATTANOOGA TN

189 STATE LAKE RD, MILLRY AL

104 LAUREL LANE, TROY AL

5274 MAULDELAYNE DR N, MOBILE AL

1504 CTY RD 76, CENTRE AL

PO BOX 1176, LAWRENCEBURG TN